

REMARKS

Amendments to claims 1, 22, 31, 40, 50, and 53 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

I. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 22, and 31

Claims 1-3, 7-9, 12-14, 18, 20, 23-27, and 31-36 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0086596 (Hipp). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claimed elements must be disclosed, either expressly or inherently, in the cited reference.

Claim 1 has been amended to recite enhancing a moving feature in the input image *based on a motion of a moving object*. (Emphasis Added) Claims 22 and 31 have been amended to recite similar limitations. The cited passage (paragraph 35) of Hipp does not disclose or suggest the above limitations. Rather, paragraph 35 of Hipp discloses:

One goal of the embodiments of the present disclosure is to track the position of a specific vertebra in a sequence of medical images. Accurate tracking relies on rich texture, defined as wide variation in gray levels within and particularly at the boundaries of the vertebra being tracked. Sometimes it's necessary to enhance the features of an image to create greater contrast, better definition of *vertebral edges*, or reduce noise in the search model and/or target images.

(Emphasis Added)

As such, paragraph 35 of Hipp merely discloses enhancing an edge of a vertebrae, and does not disclose or suggest enhancing a moving feature in the input image *based on a motion of a moving object*. Notably, in Hipp, the vertebral edge is enhanced based on the anatomical structure of the vertebrae, and not based on a motion of the vertebrae (i.e., the enhancement is performed even if the vertebrae is not moving). As such, Hipp does not disclose or suggest enhancement based on a motion of a moving object. For at least the foregoing reasons, claims 1, 22, and 31, and their respective dependent claims, are believed allowable over Hipp.

Claims 40, 50, and 53

Claims 40, 43, 46, 49, 50, 53, and 56 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,075,557 (Holliman).

Claim 40 has been amended to recite determining a first composite image based on the reference image and the first image *by performing a subtraction function.* (Emphasis Added) Claims 50 and 53 have been amended to recite similar limitations. Holliman does not disclose or suggest the above limitation. Rather, Holliman discloses performing a template matching by finding a position where there is a best correlation between the template and an underlying image area (Step 49 of figure 12). For at least the foregoing reason, claims 40, 50, and 53, and their respective dependent claims, are believed allowable over Holliman.

CONCLUSION

Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7031422002**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7031422002**.

Respectfully submitted,

DATE: September 13, 2007

By: 
Gerald Chan
Registration No. 51,541

BINGHAM McCUTCHEN LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800